

### REMARKS

Applicants sincerely appreciate the thorough examination of the present application as evidenced by the Office Action of November 13, 2008 ("Office Action"). Applicants respectfully request reconsideration of the rejections therein for at least the reasons provided herein. Accordingly, a Notice of Allowance is respectfully requested in due course.

#### **Independent Claims 1 and 22 Are Patentable**

Independent Claims 1-11, 13, 15-23 and 25 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,006,154 to Dudkowski ("Dudkowski"). Applicants respectfully submit, however, that independent Claims 1 and 22 are patentable for at least the reasons discussed below.

#### **Claim 1**

Claim 1 recites:

A method of forming an output media stream to be transmitted during a communication session from a portable communication device wherein said output media stream comprises signals of a first media type, the method comprising:

*generating in real time a first media stream in the portable communication device,*

combining in real time the first media stream with a second media stream to form the output media stream wherein combining comprises combining signals of the first media type from the first media stream with signals of the first media type from the second media stream, and transmitting said output media stream. (*Emphasis added.*)

Dudkowski fails to teach or suggest generating in real time a first media stream in the portable communication device. In support of the rejection of Claim 1, the Office Action states that Dudkowski discloses:

*generating in real time a first media stream in the portable communication device (see column 5 lines 9-19 and figure 1, which recite a camera that captures live video streams to be broadcast in real time).*

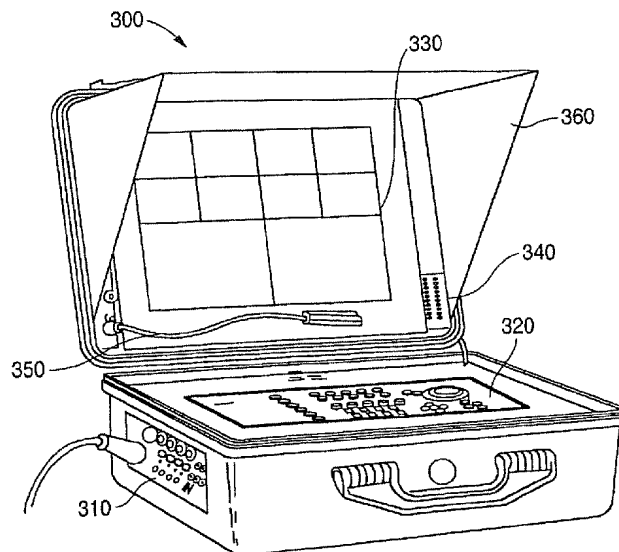
(Office Action, page 3.) As an initial matter, Applicants respectfully note that the technology described in Dudkowski appears to be disparate relative to the disclosure in general and, more

particularly, to Claim 1 of the present application. For example, Applicants' invention is directed to operations corresponding to a portable communications device. In contrast, Dudkowski relates to a portable system for editing multiple live television signals. (*See, e.g.*, Dudkowski, column 1, lines 9-11.)

Portions of Dudkowski cited with respect to Claim 1 state that:

Each camera generates an input video signal that is streamed into input panel 110. FIG. 1 illustrates the input video signals 1, 2, 3 and 4 from camera 1, camera 2, camera 3 and camera 4, being *collectively streamed into input panel 110 as video input signals 112*. (*Emphasis added.*)

(Dudkowski, column 5, lines 15-19.) Regarding the system 100, Dudkowski states that "[s]ystem 100 is preferably self-contained in a rugged, plastic suitcase type container allowing very easy portability, set-up and use as shown in FIG. 3 and FIG. 4." (Dudkowski, column 8, lines 30-33.) FIG. 3 of Dudkowski is reproduced below:



**Fig. 3**

Dudkowski thus discusses receiving video input signals from cameras that are connected to the system 100/300. In this regard, the Dudkowski system receives streamed video signals from cameras and does not generate a first media stream in the portable communication device. Stated in other words, Dudkowski combines received signals but does not generate the signals therein. The cameras cited in the Office Action are not part of the system 100/300. For example, FIG. 1, which illustrates a system for editing live

television signals, merely illustrates a line identified as video inputs 112. Similarly, FIGS. 3 and 4 illustrate input panels 310 and 410, respectively. In this regard, Dudkowski merely describes receiving the video signals and not generating the video signals in the portable communication device, as recited in Claim 1.

Accordingly, Applicants respectfully submit that Claim 1 is patentable over Dudkowski. Applicants further submit that dependent Claims 2, 4-7, and 9-21 are patentable at least as per the patentability of Claim 1 from which they depend.

#### Claim 22

Claim 22 is patentable for reasons similar to those discussed above with respect to Claim 1. For example, Claim 22 is directed to, in part, a "[p]ortable communication device...comprising: at least one generating unit configured to generate a first media stream."

As discussed above, the television editing system described in Dudkowski describes receiving the video signals but does not disclose or suggest a portable communication device that generates the video signals.

Additionally, Claim 22 further recites, in part "a control unit configured to control the generating unit and the combining unit, in dependence of user input." Applicants respectfully note that the Office Action cites no portion of Dudkowski regarding this claim recitation. Moreover, as Dudkowski does not disclose a generating unit, as discussed above, Dudkowski necessarily does not disclose or suggest a control unit configured to control said generating unit.

Accordingly, Applicants respectfully submit that Claim 22 is patentable over Dudkowski. Applicants further submit that dependent Claims 23-29 are patentable at least as per the patentability of Claim 22 from which they depend.

#### **Various Dependent Claims Are Separately Patentable**

As discussed above, dependent Claims 2, 4-7, 9-21, and 23-29 are patentable for at least the reasons discussed above with respect to independent Claims 1 and 22 from which

they depend. Various of these dependent claims are also separately patentable for at least the additional reasons discussed below. Dependent Claim 12, for example, recites, in part:

delaying, prior to combining, signals of one media type of the second media stream in relation to the other media type of signals of the same stream to provide *synchronized signals from the second media stream* within the output media stream. (*Emphasis added.*)

The Office Action rejects Claims 12, 14 and 26-29 under 35 U.S.C. §103 as being unpatentable over Dudkowski in view of U.S. Patent No. 5,953,049 to Horn et al. ("Horn"). (Office Action, page 9.) Regarding Claim 12, the Office Action cites Horn at the Abstract and column 1, lines 53-65 as disclosing an adaptive audio delay control for multimedia conferencing that includes delaying audio signals in relation to video signals to provide synchronization. (Office Action, pages 9-10.)

Applicants respectfully submit that the cited portion of Horn appears to be wholly silent regarding providing "synchronized signals from the second media stream within the output media stream," as recited in Claim 12. Accordingly, Applicants respectfully submit that Claim 12 is separately patentable over Dudkowski in view of Horn.

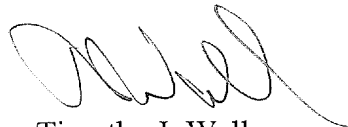
Additionally, Applicants respectfully submit that dependent Claims 14, 26, 28 include similar recitations as dependent Claim 12 and are separately patentable over Dudkowski and Horn for at least the same reasons.

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### CONCLUSION

Accordingly, the Applicants submit that all pending claims in the present application are in condition for allowance, and a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any additional issues need to be addressed.

Respectfully submitted,

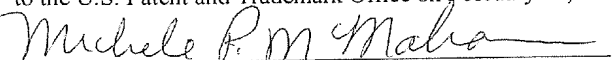


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#### CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 11, 2009.

  
Michele P. McMahan